

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUDY REYNOSA, #257164,)	
)	
Plaintiff,)	Case No. 4:06-cv-106
)	
v.)	Honorable Robert Holmes Bell
)	
JOHN DOE, et al.,)	
)	<u>MEMORANDUM OPINION</u>
Defendants.)	
)	

This is a civil rights action brought *pro se* by a state prisoner under 42 U.S.C. § 1983. On June 23, 2008, the Sixth Circuit issued its decision upholding this court’s grant of summary judgment in favor of the named defendants. *See Reynosa v. Schultz*, 282 F. App’x 386 (6th Cir. 2008). The Court of Appeals reversed this court’s dismissal of plaintiff’s claims against John and Jane Doe defendants because plaintiff had not received notice of the impending dismissal of those claims as required by Rule 4(m) of the Federal Rules of Civil Procedure. It remanded the matter to this court with directions to provide plaintiff with “proper notice and an opportunity to show good cause for his failure to identify and serve [John and Jane Doe] defendants.” *Id.* at 394.

On October 10, 2008, this court entered an order notifying plaintiff of the impending dismissal of all his claims against the John and Jane Doe defendants under Rule 4(m) of the Federal Rules of Civil Procedure. (docket # 41). The court ordered that on or before **October 29, 2008**, “plaintiff shall file a brief with this court supported by all the evidence that plaintiff believes shows ‘good cause for his failure to identify and serve’ the John and Jane Doe defendants named in his

September 1, 2006 complaint.” (*Id.* at 2). The order expressly notified plaintiff that on October 30, 2008, the court would consider this matter ready for decision. (*Id.*). Plaintiff ignored the court’s order. Plaintiff has not established good cause for his failure to identify and serve the John and Jane Doe defendants. Accordingly, all plaintiff’s claims against John and Jane Doe defendants will be dismissed without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure and a final judgment will be entered.

Dated: November 18, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE